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EXAMINER

HAQ, NAEEM.U

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/377,322

Applicant(s)

BEZOS ET AL.

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 12-62 is/are pending in the application.
- 4a) Of the above claim(s) 57-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to the Applicants' amendment B, paper number 10, filed on November 11, 2002. Claims 10 and 11 have been canceled, and new claims 56-62 have been added. Claims 1-9 and 12-62 are pending and will be considered for examination.

### ***Election/Restrictions***

Newly submitted claims 57-62 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 57-62 are directed to a permission-based method of assisting users in evaluating an item.

Since the Applicants' have received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 57-62 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent

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and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 13, 18, 36, 45, and 53 are provisionally rejected under the judicially created doctrine of double patenting over claims 1, 12, 26, 32, and 43 of copending Application No. 09/377,447. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter. Both applications are obvious extensions of collaborative filtering to identify a community of users as follows: Both applications direct claims to relating users to one or more subsets of a general

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population, tracking and storing actions, including purchases, concerning items, analyzing item history, according to actions of one or more subsets of users, to determine popularity (or other aspects) of item(s), comparing item popularity (or other aspects) within or outside subset(s) of users, notifying users concerning (within or outside) item popularity (or other aspect).

One of ordinary skill in the art at the time the invention was made would have been motivated to include purchasing, browsing, and other types of actions for users, and to analyze historical data for making recommendations to users within and outside identified subsets for the obvious reasons that such statistical market analysis allows for targeted marketing, thereby increasing profits for a seller and providing benefits to a buyer.

### ***Claim Objections***

Claim 13 is objected to because of the following informalities: Claim 13 recites "...purchased such items..." The Applicants' should consider replacing the word "such" with the word "said". Appropriate correction is required.

Claim 14 recites the limitation "the data structure" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 13 and 36 recite functional descriptive material which is not tangibly embodied on a medium and is therefore deemed to be non-statutory subject matter as per MPEP 2106.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 is a system claim which recites "a personalization process..." It is unclear to the examiner how the process limitation affects the structural elements of the system claim. Likewise claim 36 also recites a process limitation. System claims should be directed to the structural elements of a system and not to the process of a method. *"Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function."* In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). *"Apparatus claims cover what a*

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*device is, not what a device does.” Hewlett-Packard Co. v Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990).*

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-8, 12, 25-27, and 36-55 are rejected under 35 U.S.C. 103(a) as being obvious over Bieganski (US Patent 6,321,221 B1) in view of Chislenko et al (US Patent 6,041,311), and further in view of Information Week “Just Add People”, Jacobi et al (US Patent 6,064,980), and Official Notice.**

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29,

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1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Referring to claims 1, 36, 39, 40, 45, 46, and 53-55, Bieganski teaches a system and method of assisting users in evaluating items of an electronic catalog of items, the catalog accessible to users of an online store that provides services for allowing users to purchase items from the catalog (column 5, lines 44-54; column 6, lines 38-47, lines 66-67; column 7, lines 1-10, column 16, lines 38-49, lines 62-67; column 17, lines 1-12), the method comprising the computer-implemented steps of:

- identifying an item to be displayed to a first user (column 8, lines 10-24);
- identifying a second user that both (a) has purchased the item and (b) is a member of a neighborhood (community) associated with the first user, said neighborhood (community) representing a subset of a general user population (column 1, lines 46-62; column 6, line 38-47, lines 66-67; column 7, lines 1-50);
- a database which stores information about a plurality of groups of users, wherein each group represents a subset of a general user population (Figure 8, item 808; Figure 4).

Bieganski does not teach that in response to identifying the second user, electronically notifying the first user that the item has been purchased by the second user, and providing contact information of the second user to the first user to allow the



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first user to communicate with the second user about the item. However, Chislenko also teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the contact information of one (second) user is given to a another (first) user (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of Bieganski. One of ordinary skill in the art would have been motivated to do so in order to allow one user to communicate with another user about a common interest as taught by Chislenko. Neither Bieganski nor Chislenko explicitly teaches exposing the purchases made by one user to another user (i.e. "electronically notifying the first user that the item has been purchased by the second user"). However, this limitation is rendered obvious over the combination of Bieganski and Chislenko. Bieganski explicitly teaches identifying a neighborhood (community) associated with a first user based on a purchase or selection (column 7, lines 1-64). Chislenko teaches notifying one user that another user shares the same interest, and allows the two users to communicate. Therefore by incorporating the teaching of Chislenko (i.e. online chat between two users sharing the same interest) into the method of Bieganski, the combined reference of Bieganski and Chislenko enables a community which is based on a common purchase to notify one user that the item has been purchased by a another user. One of ordinary skill in the art would have been motivated to base the community on the purchase and not on the selection in order to create a more accurate recommendation which is the goal of any recommendation

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system. The combination of Bieganski and Chislenko does teach that the community is an explicit membership community, or electronically notifying the first user comprises supplementing an item detail page of the electronic catalog with a notification message to personalize the item detail page for the first user, or maintaining a personal address book data for each of a plurality of users. However, Information Week teaches a method of collaborative filtering wherein the community is an explicit community (page 2, paragraph 4). Information Week teaches that GroupLens version 2.5 allows users to explicitly identify a community they want to be associated with by submitting a specific group of people. Furthermore, Information Week teaches that GroupLens "...generates a personalized home page for each user..." (page 2, paragraph 5). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of teachings of Information Week into the method Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to allow a user to control what group the recommendation engine used to generate the personalized recommendation as taught by Information Week. Furthermore, one of ordinary skill in the art would have been motivated to incorporate the personalized home page of Information Week into the method Bieganski and Chislenko in order to provide a user with a graphically enriched web page. Finally, the combination of Bieganski, Chislenko, and Information Week does not teach maintaining a personal address book data for each of a plurality of users. However, as the Examiner has already noted above, Information Week teaches that a user can submit a specific group of people to generate a recommendation. Furthermore, the Examiner

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takes the broadest reasonable interpretation of this limitation since the body of the claim does not explicitly state who or what maintains the address book. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have a user in the method of Information Week submit a group of people from his / her address book for a recommendation in the method of Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to allow a user to select a group of people that he / she corresponded with regularly (i.e. address book).

Referring to claim 2, Bieganski, Chislenko, and Information Week teach the limitations of claim 1 as noted above. Bieganski also teaches identifying a neighborhood (community) of which the first user is a member, and determining whether another member of the neighborhood (community) has purchased the item (column 6, lines 66-67; column 7, lines 1-50).

Referring to claim 3, Bieganski, Chislenko, and Information Week teach the limitations of claim 1 as noted above. Bieganski also teaches identifying a neighborhood (community) of which the first user is a member, and identifying an item that is popular within the neighborhood (community) (column 7, lines 1-50; column 8, lines 55-67; column 9, lines 1-21).

Referring to claim 4, Bieganski teaches using collaborative filtering to form a neighborhood (community) of users (column 6, lines 66-67; column 7, lines 1-50). Bieganski also teaches identifying a popular item within a community of general users (column 8, lines 55-67; column 9, lines 1-21). Therefore it would have been obvious to

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one of ordinary skill in the art, at the time the invention was made, to use the method of Bieganski to determine a popular item within the community of Bieganski. One of ordinary skill in the art would have been motivated to do so in order to provide a statistically better recommendation to a user, which is the goal of any recommendation system.

Referring to claim 5, Bieganski, Chislenko, and Information Week teach the limitations of claim 1 as noted above. Bieganski, Chisleko, and Information Week do not explicitly teach supplementing a product detail page requested by the first user during online browsing of the electronic catalog. However, Jacobi teaches a method and system of using collaborative filtering to make personalized recommendations to a user that is implemented on the web site of Amazon.com (column 4, lines 1-35). Please note, that it is well known in the art for Amazon.com to provide product detail pages of its online catalog. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate a product detail page, during online browsing of an electronic catalog by user, into the method of Bieganski, Chislenko, and Information Week. One of ordinary skill in the art would have been motivated to do so in order to provide the user with a graphically enriched, aesthetically pleasing visual display.

Referring to claim 6, Bieganski, Chislenko, and Information Week teach the limitations of claim 1 as noted above. Bieganski, Chislenko, and Information Week do not directly speak of sending the first user an email message which contains the contact information of a second user and a description of the product. However, Chislenko

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does teach facilitating and encouraging the first user to contact the second user (column 21, lines 15-26). In addition, it is well known in the art to send a user an email message with contact and product information. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate an email message into the method of Bieganski, Chislenko, and Information Week. One of ordinary skill in the art would have been motivated to do so in order to remind the first user of a product that the first user considered purchasing, or to remind the first user of contact information of a second user that the first user considered contacting.

Referring to claim 7, Jacobi teaches a data structure which maps items to users that purchased the items (column 4, lines 47-50). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Jacobi into the method of Bieganski, Chislenko, and Information Week. One of ordinary skill in the art would have been motivated to do so in order to easily retrieve the users' data on a computer system.

Referring to claim 8, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a second user to interact with the first user without having to reveal his / her identity.

Referring to claim 12, Bieganski, Chislenko, and Information Week teach all the limitations of claim 1 as noted above. In addition, Chislenko teaches a method of presenting the first user an option to chat online with the second user (column 21, lines 11-17). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the online chat room of Chislenko into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to enable the first user to converse with the second user online.

Referring to claim 25, Bieganski teaches that his method is performed during online browsing of an electronic catalog by the first user (column 16, lines 38-49, lines 62-67; column 17, lines 1-12).

Referring to claims 26, 27, 37, 38, 42, 44, 48, and 50-52, Bieganski, Chislenko, and Information Week teach all the limitations of claims 1 and 36 as noted above. Furthermore, Information Week teaches a method of collaborative filtering for making recommendations wherein the user submits a specific group of people (private / explicit community) for the recommendations to be based on (page 2, paragraph 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have a user submit a specific group of people from his or her email address book, or from anywhere else, for the purpose of receiving a recommendation in the method of Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to base a user's recommendations on a group of people that the user corresponded or interacted with regularly.

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Referring to claim 41, Bieganski and Chislenko teach all the limitations of claim 36 as noted above. Furthermore, Chislenko teaches an option for the first user to chat online with the second user (column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate online chat features as taught by Chislenko into the system of Bieganski. One of ordinary skill in the art would have been motivated to do so in order to provide the users of an online store with a more personalized environment by allowing the users to interact with other people of similar interests and tastes.

Referring to claims 43 and 49, Bieganski, Chislenko, and Information Week teach all the limitations of claims 36 and 45 as noted above. Furthermore, Bieganski teaches that the community is an implicit membership community (column 7, lines 1-67). The Applicants' define an implicit membership community as "...communities for which membership is determined without any active participation by users. Examples of implicit membership communities include...communities for which membership is based on users' purchase histories." (see Applicants' specification page 3, lines 6-12). This is what Bieganski teaches (column 6, lines 66 – column 7, lines 67).

Referring to claim 47, the cited prior art does not teach providing an instant message to the second user from the first user. However, Official Notice is taken that it is old and well known in the art to provide instant messaging. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate an instant messaging feature into the cited prior art. One of ordinary skill in

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the art would have been motivated to do so in order to facilitate communication between two users.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski, Chislenko, and Inofrmaiton Week as applied to claim 1 above, and further in view of de Hond (US Patent 5,796,395).** Bieganski, Chislenko, and Information Week teach all the limitations of claim 1 as noted above. Bieganski, Chislenko, and Information Week do not teach presenting to users of the store at least one option screen which permits users to authorize release of contact information to other users on at least one of (a) a user-by-user basis, and (b) a community-by-community basis. de Hond teaches a method of presenting users with an option screen which permits users to release contact information to other users on a user-by-user basis (Figure 16, column 12, lines 56-59). The examiner notes that a private chat room enables a user to release any sort of personal information to only those who the user allows into the private room. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of de Hond into the method of Bieganski, Chislenko, and Information Week. One of ordinary skill in the art would have been motivated to do so in order to enable the user to have a more personal relationship with a second user.

**Claims 13-17 and 28-32 are rejected under 35 U.S.C. 103(a) as being obvious over Bieganski (US Patent 6,321,221 B1) in view of Chislenko et al (US Patent 6,041,311) and further in view of Jacobi et al (US Patent 6,064,980) and Information Week "Just Add People".**



Referring to claim 13, Bieganski teaches a system for assisting users of an online store in evaluating items of an electronic catalog of items (column 5, lines 44-54; column 6, lines 38-47, lines 66-67; column 7, lines 1-10, column 16, lines 38-49, lines 62-67; column 17, lines 1-12), the system comprising:

- a profile which maps items from a catalog to users that have purchased said items (column 7, lines 1-11);
- a personalization process which responds to an online request by a first user to view a description of an item from the catalog by at least (a) accessing the profile to identify a second user that both has purchased the item and is a member of a community associated with the first member (column 6, lines 38-67; column 7, lines 1-50; column 16, 32-67; column 17, lines 1-67);

Bieganski does not teach displaying the contact information of the second user to the first user in conjunction with the description of the item such that contact information is presented to the second user during browsing of the electronic catalog. However, Chislenko also teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the contact information of the second user is given to the first user (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the system of Bieganski. One of ordinary skill in the art would have been motivated to do so in order allow the first user to communicate with the second user as

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taught by Chislenko. The combination of Bieganski and Chislenko does not teach an item-to-user mapping table. However, Jacobi teaches a system for making recommendations using collaborative filtering wherein the users' data is stored in an item-to-user table (column 5, lines 16-27; Figure 1, item "54"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the table of Jacobi into the system of Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to use a relational data model to create a logical link between the users and items. The combination of Bieganski, Chislenko, and Jacobi does not teach that the contact information is presented to the second user during browsing of an electronic catalog. However, Information Week teaches that GroupLens "...generates a personalized home page for each user showing resources likely to interest them..." (page 2, paragraph 5). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of teachings of Information Week into the system of Bieganski, Chislenko, and Jacobi. One of ordinary skill in the art would have been motivated to incorporate the personalized home page of Information Week into the method of Bieganski, Chislenko, and Jacobi in order to provide a user with a graphically enriched web page.

Referring to claim 14, Bieganski teaches that a profile maps items to users that purchased the items for each of a plurality of communities, and the process uses the profile to locate a fellow community member that purchased the item (column 7, lines 1-

50). Bieganski does not teach that the profile is an item-to-user mapping table.

However, the examiner has already addressed this issue with respect to claim 13.

Referring to claim 15, Bieganski does not teach that the profile contains the contact information of users. However, Jacobi teaches an item-to-mapping table that contains contact information of users (column 4, lines 47-50). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the contact information of Jacobi into the profile data structure of Bieganski. One of ordinary skill in the art would have been motivated to do so in order to maintain a complete record of the user.

Referring to claim 16, Bieganski, Jacobi, Chislenko, and Information Week teach all the limitations of claim 13 as noted above. In addition, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the system of cited prior art. Doing so would enable two users to interact without having to reveal their identity.

Referring to claim 17, Bieganski and Chislenko teach all the limitations of claim 13 as noted above. Furthermore, Chislenko teaches an option for the first user to chat online with the second user (column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate online chat features as taught by Chislenko into the system of Bieganski. One of ordinary skill in the art would have been motivated to do so in order to provide

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the users of an online store with a more personalized environment by allowing the users to interact with other people of similar interests and tastes.

Referring to claim 28, Bieganski teaches displaying a web page of recommendations to a user (column 17, lines 1-6). Bieganski does not teach displaying contact information of the second user. However, Chislenko teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the contact information of the second user is given to the first user (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the contact information of Chislenko into the web page of Bieganski. One of ordinary skill in the art would have been motivated to do so in order allow the first user to communicate with the second user as taught by Chislenko.

Referring to claim 29, 31, and 32, Bieganski, Chislenko, Jacobi, and Information Week teach all the limitations of claim 13 as noted above. In addition, Information Week teaches a method and system of collaborative filtering for making recommendations wherein the user submits a specific group of people (private / explicit community) for the recommendations to be based on (page 2, paragraph 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have a user submit a specific group of people from his or her email address book, or from anywhere else, for the purpose of receiving a recommendation in the method of the cited prior art. One of ordinary skill in the art would have been

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motivated to do so in order to base a user's recommendations on a group of people the user corresponded or interacted with regularly.

Referring to claim 30, Bieganski, Chislenko, Jacobi, and Information Week teach all the limitations of claim 13 as noted above. Furthermore, Bieganski teaches that the community is an implicit membership community (column 7, lines 1-67). The Applicants' define an implicit membership community as "...communities for which membership is determined without any active participation by users. Examples of implicit membership communities include...communities for which membership is based on users' purchase histories." (see Applicants' specification page 3, lines 6-12). This is what Bieganski teaches (column 6, lines 66 – column 7, lines 67).

**Claims 18-24, 33-35, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Information Week "Just Add People" and Chislenko (US 6,041,311) and further in view of Bieganski (US 6,321,221 B1), Robinson (US Patent 5,918,014), and Korth et al "Database System Concepts".**

Referring to claim 18, Information Week teaches a computer-implemented method of assisting a first user in evaluating a resource, comprising:

- identifying a community associated with a first user (page 2, paragraph 4).  
Information Week teaches that GroupLens version 2.5 allows users to explicitly identify a community they want to be associated with.
- identifying a second user that is a member of the community (page 2, paragraphs 4 and 5). Information Week also teaches that GroupLens "...shows a list 'neighbors' with similar interests and lets users see what

their peers are viewing...” Information Week also goes on to state that GroupLens “...also shows a list of all the users who rated an item and how they rated it, or how one user rated an item.” Presumably the list of other users comes from the same group that the first user explicitly identified earlier as a community since Information Week does not mention any other group.

- electronically notifying the first user by personalizing a web page requested by the first user during a browsing session (page 2, paragraph 5).

Information Week does not teach that the electronic notification contains contact information of the second user to allow the first user to communicate with second user. However, Chislenko teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the contact information of the second user is given to the first user (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of Information Week. One of ordinary skill in the art would have been motivated to do so in order to allow the first user to communicate with the second user as taught by Chislenko. The combination of Information Week and Chislenko does not teach that the second user has engaged in business with a merchant. However, Bieganski teaches a method of using collaborative filtering to make personalized recommendations to users online (column 1, lines 28-62; column 5,

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lines 32-42) wherein a user has purchased an item (i.e. engaged in business with a merchant) (column 7, lines 1-11). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bieganski into the method of Information Week and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to base the personalized recommendations made to a user on the actual purchases made by another user. Information Week, Chislenko, and Bieganski all teach using collaborative filtering to make personalized recommendations to users and are therefore analogous art. The combination of Information Week, Chislenko, and Bieganski does not teach evaluating a merchant, or that the first and second users communicate about a merchant. However, the Examiner notes that these limitations merely represent a field of use, and that it would have been obvious to one of ordinary skill in the art, at the time of the invention, to extend the collaborative filtering of Information Week, Chislenko and Bieganski to any item/content of interest that a user was interested in receiving a personalized recommendation. One of ordinary skill in the art would have been motivated to do so in order to provide personalized recommendations to users in the same manner as taught by Information Week, Chislenko, and Bieganski.

Referring to claim 19, Information Week, Chislenko, and Bieganski teach all the limitations of claim 18 as noted above. Furthermore, Bieganski teaches that the community is an implicit membership community (column 7, lines 1-67). The Applicants' define an implicit membership community as "...communities for which membership is determined without any active participation by users. Examples of

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implicit membership communities include...communities for which membership is based on users' purchase histories." (see Applicants' specification page 3, lines 6-12). This is what Bieganski teaches (column 6, lines 66 – column 7, lines 67). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bieganski into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order base a community on the users' purchases as taught by Bieganski.

Referring to claim 20, Information Week, Chislenko, and Bieganski do not teach that the implicit membership community is based on the email address of the users. However, Robinson teaches that cookies are stored on the users' computers (column 2, lines 48-52). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the cookies of Robinson in the method of Information Week, Chislenko, and Bieganski to obtain the email addresses of users. One of ordinary skill in the art would have been motivated to do so in order to base the users' communities on a piece of data that did not change often.

Referring to claim 21, the combination of Information Week, Chislenko, and Bieganski does not teach a merchant-to-user mapping table which maps merchants to users that have engaged in business with such merchants for each of a plurality of communities. However, Korth teaches using a table in a relational data model to capture data about customers who have money in various banks (i.e. users that have engaged in business with merchants) (page 54, Figure 3.1). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to



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incorporate the teachings of Korth into the method of Information Week, Chislenko, and Bieganski. One of ordinary skill in the art would have been motivated to do so in order to use a well-known and commercially successful data model in implementing the method of Information Week, Chislenko, and Bieganski.

Referring to claim 22, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the method of the cited prior art. Doing so would enable two users to interact without having to reveal their identities.

Referring to claims 23 and 56, Information Week teaches that the Web site is an exchange site, and that the first user is electronically notified of the second user in response to an action performed by the first user while browsing the site (page 2, paragraphs 1, 4, 5).

Referring to claim 24, Information Week does not teach presenting the first user an option to chat online with the second user. However, Chislenko teaches an option for the first user to chat online with the second user (column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the online chat features of Chislenko into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to provide the users of an online store with a more personalized environment by allowing the users to interact with other people of similar interests and tastes.

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Referring to claims 33 and 34, Information Week teaches, "...users submit a specific group of people and generate a list of recommendations based on their collective preferences." (page 2, paragraph 4). Please note, that this would constitute both an explicit membership community and a private community.

Referring to claim 35, Information Week teaches a method and system of collaborative filtering for making recommendations wherein the user submits a specific group of people (private / explicit community) for the recommendations to be based on (page 2, paragraph 4).

### ***Response to Arguments***

Applicants' arguments with respect to claims 1-9, 12, 18-27, 33-35, and 56 have been considered but are moot in view of the new ground(s) of rejection.

Applicants' arguments with respect to claims 13-17, 28-32 and 36-44 filed November 11, 2002 have been fully considered but they are not persuasive. The Applicants' have argued that Bieganski does not teach the personalization process. The Examiner respectfully disagrees. Bieganski specifically gives an example of his invention wherein a personalization process responds to an online request by a first user to view a description of an item from the catalog by at least accessing a profile to identify a second user that both has purchased the item and is a member of a community associated with the first member (column 16, lines 62-column 17, lines 1-15; column 7, lines 1-50).

Applicants' arguments with respect to claims 45-55 filed November 11, 2002 have been fully considered but they are not persuasive. The Applicants' have argued

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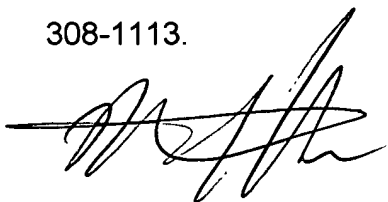
that Bieganski does not teach, "monitoring online browsing of the electronic catalog by a first user..." The Examiner respectfully disagrees. Bieganski teaches that his system allows a user to search for a specific book, and then presents a recommendation value for that book. Furthermore, Bieganski goes on to state that the recommendation value is based on the purchase of the customer and of other customers (column 16, lines 62-column 17, lines 1-15).

### ***Conclusion***

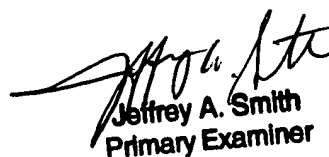
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703)-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-7687 for regular communications and (703)-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



Naeem Haq, Patent Examiner  
Art Unit 3625

  
Jeffrey A. Smith  
Primary Examiner

February 3, 2003